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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| SOMPO JAPAN INSURANCE COMPANY OF AMERICA, and SOMPO JAPAN INSURANCE, INC., | : | 07 Civ. 11276 (DC) |
| | : | |
| <i>Plaintiffs,</i> | : | NOTICE OF MOTION |
| - against - | : | FOR PARTIAL |
| | : | <u>SUMMARY JUDGMENT</u> |
| YANG MING MARINE TRANSPORT CORPORATION, | : | |
| | : | |
| <i>Defendant.</i> | : | |

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PLEASE TAKE NOTICE THAT, pursuant to Rule 56 of the Federal Rules of Civil Procedure and upon the Declaration of Todd A. Barton, Esq., dated February 22, 2008, and its Exhibits, the accompanying Memorandum of Law, and upon all prior proceedings had herein, Plaintiffs Sompo Japan Insurance Company of America and Sompo Japan Insurance, Inc., through undersigned counsel, will move this Court before the Honorable Denny Chin, United States District Judge, in the United States Courthouse, Room 1020, 500 Pearl Street, New York, New York 10013, for partial summary judgment against the Defendant Yang Ming Marine Transport Corporation ("Yang Ming"), that it is liable for the cargo damage resulting from the derailment, and for such other relief as the Court deems proper and just.

Dated: Rye, NY
February 22, 2008

MALOOF BROWNE & EAGAN LLC

By: /s/ Thomas M. Eagan

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TO: All Counsel